

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of
BRANSTROM et al.

Appln. No. 08/711,961

Filed: September 6, 1996

Title: BACTERIAL DELIVERY SYSTEM



Group Art Unit: 1636

Examiner: J. Railey

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J. Railey
2/1/00

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January 19, 2000

RESPONSE

Hon. Commissioner of Patents
and Trademarks
Washington, D C. 20231

Sir:

In response to the Office Action issued July 19, 1999,
please consider the Rule 131 Declaration filed herewith and
the following remarks, the time to respond having been
extended up to and including January 19 2000 by petition and
fee submitted herewith.

REMARKS

Claims 45-55 are under examination. Reconsideration is
requested.

Claims 45-55 were provisionally rejected under the
judicially created doctrine of obviousness-type double
patenting as being unpatentable over claims 1-17 of U.S. Pat.
No. 5,824,538. Upon indication from the Examiner that the
pending claims are otherwise in condition for allowance,
Applicants will file a terminal disclaimer.

Claims 45-55 have been rejected under 35 USC § 102(e) as